

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Howard Thompson, III, #2005-03217,)
Plaintiff,) C/A No.: 3:06-2599-MBS
vs.)
Chrissy Adams, County DA; Capt.)
Arvette Jones; Sgt. NFN Clinkscales; and)
Lt. NFN Lee,)
Defendants.)

)

ORDER

Plaintiff Howard Thompson, III is a pretrial detainee who currently is housed at the Anderson County Detention Center in Anderson, South Carolina. Plaintiff, appearing pro se, alleges that Defendants placed a falsified statement attributed to him in the discovery materials of a fellow detainee who was prosecuted for escape. Plaintiff contends that Defendants' alleged actions placed his life in danger.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R McCrorey for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act of 1996. On September 28, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be dismissed because (1) he failed to state a viable claim under 42 U.S.C. § 1983; (2) the case is barred as to Defendant Adams on the grounds of prosecutorial immunity; and (3) to the extent Plaintiff seeks relief for his fellow detainee, Plaintiff is without standing to sue for another's injuries. Accordingly, the Magistrate Judge recommended that the action be dismissed without prejudice and without issuance and service of process. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 26, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.